

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Francisco K. Avoki,)	C/A No. 0:19-324-SAL-PJG
)	
Plaintiff,)	
)	
v.)	
)	
City of Chester SC; Police Department of)	ORDER
Chester SC; HyGloss Paint & Body Shop)	
Inc.; CPL Robert Martz; PTL Tyler)	
Covington; Chad's Body Shop & Towing)	
Service; Sgt. Wanda Alexander,)	
)	
Defendants.)	
)	

This is a civil action filed by a *pro se* litigant. Under Local Civil Rule 73.02(B)(2) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

Plaintiff filed this matter on February 4, 2019. By order dated August 25, 2021, the court authorized service of process against Chad's Body Shop & Towing and Wanda Alexander. In light of the extraordinary delay in adding these defendants, the court finds that maintaining these claims in one civil action would be prejudicial to the original defendants who have litigated this matter since February 2019.

Therefore, the court finds that the age of this case and prejudice to the defendants requires the court to sever Plaintiff's claims against Chad's Body Shop & Towing and Wanda Alexander. See Fed. R. Civ. P. 21 ("On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party."); see also *Vickers v. Georgia*, 567 F. App'x 744, 748 (11th Cir. 2014) ("Under Federal Rule of Civil Procedure 21, a district court may sever any claim or party from an action *sua sponte*, but only on 'just terms.'"); 7 Charles Alan Wright & Arthur R. Miller, Federal Practice & Procedure § 1689 (3d ed. 2021) ("Thus, a court may sever an unrelated claim and give it separate treatment when doing so would be in the interest of some or all of the parties.").

TO THE CLERK OF COURT:

The Clerk of Court is directed to terminate Chad's Body Shop & Towing and Wanda Alexander from the above-referenced docket.

The Clerk of Court is further directed to assign a separate civil action number to Plaintiff in a case captioned Francisco K. Avoki v. Chad's Body Shop & Towing; Wanda Alexander. The Clerk of Court shall file this order and the Second Amended Complaint (ECF No. 223) as the

initial docket entry in the newly created case, and a copy of the executed summonses for Chad's Body Shop & Towing and Wanda Alexander.

IT IS SO ORDERED.

September 17, 2021
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE